



STATE PARTY EXAMINATION OF TURKMENISTAN'S SECOND TO FOURTH PERIODIC REPORT

68TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

12 JANUARY – 30 JANUARY 2015

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Turkmenistan ratified the Convention on the Rights of the Child (CRC) 20 September 1993. On 13 and 14 January 2015, the Committee on the Rights of the Child (the Committee) examined the second to fourth report of Turkmenistan. It was last examined on 24 May 2006.

Opening Comments

The delegation of Turkmenistan was led by Ms. Lyudmilla Amanniyazova, Deputy Head of the State Statistics Committee. She was supported by a delegation of representatives from the Ministry of Education, the Ministry of Internal Affairs, the Ministry of Healthcare and Medical Industry, the National Institute of Democracy and Human Rights and the Permanent Mission of Turkmenistan to the United Nations Office at Geneva.

Ms. Lyudmilla Amanniyazova declared that some of the issues discussed during the last review of the State by the Committee on the Rights of the child in 2006 were made a priority in Turkmenistan. She stated that remarkable improvements were made in the fields of medical care, education and justice.

Ms. Lyudmilla Amanniyazova emphasised the great development in accessing the Internet made since 2007, as 61% of the population could now access Internet in 2014, against 0.9% in 2007.

Mr. Lyudmilla Amanniyazova indicated that national strategies dealing with the quality of water and medical treatments were implemented and that the spread of diseases had decreased in a large extent. She provided details on the expansion of the length of drinkable water pipelines between 2008 and 2014.

Note: This report is prepared at the discretion of Child Rights Connect. The content is designed to give a summary of the key discussions during the session of the Committee on the Rights of the Child but it is neither an official nor fully comprehensive report. More reports and further information can be found at 1

www.childrightsconnect.org/index.php/publications-resources/crc#countrysum

Ms. Amal Aldoseri and Ms Olga A. Khazova, the two Country Rapporteurs, appreciated the improvements listed by the Head of Delegation of the State party and welcomed the Turkmen Delegation (the delegation).

General Measures of Implementation

Legislation

The Committee welcomed the list of laws concerning the rights of the child adopted by the State party and asked whether the legislation was available for consultation by citizens. The Committee also enquired on access to instruments of international law. The delegation answered that legislation was regularly published on the national gazette and online in both Turkmen and Russian language and that there was no limitation to access to international treaties at the Ministry of Justice.

The Committee recommended the State to ratify the third Optional Protocol to the CRC on a Communications Procedure.

Coordination and monitoring

The Committee asked about the existence of a body in charge of aligning domestic legislation with international instruments and enquired about plans for establishing a special body for the monitoring of the implementation of the CRC and of other international instruments dealing with children's rights.

Dissemination and training

The Committee asked about the dissemination of a human rights' culture in the State party. The delegation responded that the government, in collaboration with several international partners, opened a centre for information on human rights and international documents where training courses were available to disseminate a human rights culture.

Budget

The Committee welcomed the increase in the budget allocated to issues relating to children, but raised concerns on the transparency of this budget, and asked for clarifications on the monitoring of expenditures. The delegation indicated that the allocation of resources was transparent and that the Parliament monitored expenses at the end of every year.

Definition of the Child

The Committee acknowledged that the definition of the Child was in line with the CRC but was concerned that children with disabilities could only receive the disability allowance until the age of 16. The delegation said that the age limit to receive the allowance had been raised to 18 years old.

General Principles

Non – discrimination

The Committee enquired on the discrimination against children from ethnic minority groups in the State party and asked for clarifications on their access to higher education. The delegation said that there were no limitations for these students in accessing Turkmen Universities. The Committee also enquired on the possibility for these children to study in their own language. The delegation explained that this possibility existed but depended on the number of children requesting such an option.

Best interest of the child

The Committee asked the delegation to provide information on the extent of the implementation of the principle of the best interest of the child in the State party. The delegation answered that the best interest of the child was taken into account within the legislation.

Respect for the views of the child

The Committee asked the delegation to provide information on the opportunities for children to express their opinion and on the activities undertaken to encourage them to exercise their right to freedom of expression. The delegation replied that there were several ways for to express their views including magazines, radio and TV programmes. In addition, teachers were trained to teach children to express their opinions within the school environment.

Civil Rights and Freedoms

Corporal punishment

The Committee raised concerns about the legal status of corporal punishment in the State's domestic legislation, as it was not explicitly prohibited. It asked for additional information on the work undertaken with families and schools to eradicate such a practice. The delegation replied that corporal punishment was prohibited by the State's legislation and that responsible individuals were sanctioned or brought to justice according to the seriousness of the resulting bodily harm. However, if there were no evidence of bodily harm after proper investigation, there would be administrative liability and not criminal responsibility.

Right to life and survival

The Committee expressed concerns on the deaths of some children caused by the car of the President during his visit to Mary Velayat in October 2014. The delegation specified that a criminal case had been opened following the accident and that victims received proper assistance.

Right to a nationality

The Committee asked about the status of children born in the State party's territory. The delegation answered that the child born in the State party acquired Turkmen nationality, regardless of the status of his/her parents.

Family Environment and Alternative Care

Family support

The Committee raised concerns on the high number of families giving up their children, in particular on situation of abandonment linked to poverty in the State party. The delegation replied that poverty was not a reason for families to give up their children, but explained that children were often abandoned because they had some form of disability or without any explanation. The Committee asked what kind of programme was being implemented to train parents to take care of their children, even when they had a disability. The delegation said that healthcare personnel worked with mothers to convince them to keep their new-borns and that support to parents was provided.

The Committee noted that a high number of parents were leaving the country to look for work abroad, leaving their children behind. It asked whether any measures had been taken in

that regard. The delegation said that financial assistance was provided to households with low-income.

Institutions and family-based care

The Committee asked what services were provided to abandoned children. The delegation recognised that the implementation of legislation and the documentation process on this matter were slow but that children were temporarily placed in institutions while waiting for families to take them back. It further added that 72 children out of 131 were placed in institutions in 2013 with the possibility to go back to their families.

Adoption

The Committee acknowledged that international adoption procedures were interrupted and suggested this option as a way to tackle the problem of children left without parental supervision. The delegation informed the Committee that the ratification of the Hague Convention on Adoption was under consideration and that more than 7000 children had been adopted in the State between 2011 and 2014, including children with disabilities.

The Committee asked the delegation to provide information on the conditions used to select adoptive parents. The delegation answered that adoption was allowed only if the receiving family met standards related to income, housing and general comfort.

The Committee recalled the right of children to know their origins and asked if adopted children were able to know their origins and biological parents, where possible. The delegation said adoption was confidential and that informing the child was a personal decision of the adoptive parents.

Disabilities, Basic Health and Welfare

Health services

The Committee raised concerns about the cuts on the budget allocated to the health sector and enquired about the high number of cancer cases amongst children in the State. The delegation affirmed that maternal and child health were a priority in the State party and that the government established a network of 14 hospitals specialised in children's health, increasing the amount of hospital beds from 3408 in 2005 to 5000 in 2014. The delegation also added that the budget allocated to healthcare would increase of 12% in 2015.

The Committee asked about the training provided to medical personnel on child health. The delegation replied that the government enhanced the level of medical training and that doctors were attending courses on an annual basis. It also added that new relevant medical facilities were built and that existing hospitals were renovated to meet the European Union's standards.

The Committee noted the increase in the number of cancer cases in the northern region of Dashoguz. The Committee asked the delegation to provide information on the efforts made by the government to reduce the maternal and infant mortality in that region. The delegation explained that both maternal and child mortality were gradually declining thanks to the government's policies. The delegation further stated that the government's strategies included

the use of screening programmes in line with WHO standards and that a highly developed system for the early detection of breast and cervical cancer was put in place.

The Committee enquired on the provision of health services for children in remote areas of the country. The delegation said that healthcare facilities were present in rural areas and that children with specific needs could be treated at both the regional and national levels.

Children with disabilities

The Committee expressed concerns related to the number of children with disabilities living in institutions and reminded the delegation of the importance of including these children in mainstream education. The delegation clarified that children in institutions were given physical and psychological rehabilitation treatment and were then included in schools. The delegation indicated that a certification package for child-friendly schools was being developed in collaboration with UNICEF. Within this package, 38 indicators out of 60 were related to the inclusiveness aspect of education.

HIV/AIDS and Adolescent Health

The Committee asked the delegation to provide information and statistics on the national HIV prevention programme, focusing on prevention programmes in schools. The delegation answered that reproductive health and use of contraceptives were included in schools' curricula. The delegation further pointed out that, as of 2001, special facilities where adolescents could enjoy of free consultation services were established.

The Committee raised concerns about the closure of two HIV/AIDS treatment national centres. The delegation explained that these centres were not closed but transferred to new renovated buildings.

Breastfeeding

The Committee noted that exclusive breastfeeding for the first six months of life decreased by 10% and asked the delegation to provide clarifications on this matter. The delegation said that the government implemented programmes since 1998 on exclusive breastfeeding and informed the Committee of the 20% increase in children benefiting of breastfeeding between 2010 and 2014. The delegation added that new child-friendly healthcare centres would open in two regions of the State party.

The Committee asked whether working mothers were receiving sufficient time allowances to breastfeed their children. The delegation responded that working mothers were given at least 190 calendar days or longer in case of underweight of the baby. The delegation additionally stated that paternity leave was also available.

Suicide

The Committee drew attention to the high number of adolescents committing suicide in the State party and asked the delegation to provide information on the strategies implemented to eradicate this phenomenon. The delegation answered that there were 32 cases in 2010 and 17 in 2013 and explained that services to support adolescents in difficult situation were provided in both patient-friendly hospitals and schools.

Quality of water

The Committee enquired on the efforts made to improve sanitary conditions and access to drinking water in the State party. The delegation said that the government passed a law on drinking water in 2010 and implemented a plan to ensure the provision of clean water to populated areas in 2011. Monitoring of biological and chemical components in water was also carried out on a monthly basis in local laboratories. The Committee thus asked whether water purification facilities were present in major cities. The delegation stated that these were present in each region.

Education, Leisure and Cultural Activities

Education

The Committee asked about the years of compulsory education and about quality of education in the State party. The delegation answered that children studied for 12 years after starting school at the age of 6. It indicated that teachers were trained through special courses and that pupils could learn through interactive methods. The delegation also indicated that children were provided with free books and school materials.

The Committee asked about the status of teachers in the State party and required information on the presence of teaching staff in rural areas. The delegation answered that the government started to carry out a reform of the education system in 2007 and that the salaries and the prestige of teachers, including those practicing at a local level, were enhanced.

Leisure and cultural activities

The delegation informed the Committee that children could participate in sport competitions at school and in national festivals.

Special Protection Measures

Juvenile justice

The Committee asked for information on the specific protection of children within the juvenile justice system. The delegation indicated that the State made progress in the juvenile justice sector and that a unique mechanism for the protection of the rights of the child would be put in place. The Committee further asked for clarification as to the extent of the specialisation of judges dealing with children's rights. The delegation explained that judges dealing only with minors did not exist in the State party but that they went through a specialisation process.

The Committee asked whether children were detained only after a court sentence or even when waiting for trials. The delegation said that only children found responsible of certain offences were placed in detention centres and were held in custody before the sentencing.

The Committee enquired about the existence of a restorative justice system. The delegation said that the introduction of this practice was included in the discussion related to the improvement of the juvenile justice system.

The Committee asked about the occurrence of torture against children in detention centres. The delegation explained that video cameras were set up and that all detainees could lodge complaints about their mistreatment in detention centres. It added that, the International Red

Cross Committee (ICRC) visited detainees in correctional colonies in 2011 and that its response to living conditions was positive.

The Committee asked the delegation to provide information on the functioning and recording of the complaint mechanism in detention centres for children in the State party. The delegation answered that no complaints had so far been lodged and that the staff present in these institutions was very supportive of young detainees.

The Committee asked there were cases of violence in custody and if monitoring and complaint mechanisms could also be used for periods of custody. The delegation stated that it was not aware of any violence during children's custody.

Child labour

The Committee expressed concerns about children working in fields for cotton picking. The delegation said that there was a special governmental body dealing with this issue but that a very low percentage of children under the age of 15 were involved in these activities. The delegation further indicated that the involvement of children in these activities was only considered as child labour when preventing the child from going to school or when affecting his/her health. The Committee was concerned that the season of cotton gathering started in September while children were at school. The delegation admitted that the season of cotton gathering took place from September to November, while children were at school but that the criteria set by the International Labour Organisation were used to monitor situations of child labour in the State party.

Children living on the street

The Committee asked about the situation of street children in the State party. The delegation answered that this situation did not occur in the State party. It added that if a child were found in the street, he/she would be brought back to his/her family once his/her identity was identified.

Concluding Remarks

Ms. Aldoseri and Ms. Khazova thanked the delegation for the dialogue and emphasised the need for further implementation of legislation on the rights of the child. The two Rapporteurs added that people involved in addressing children's rights issues should be trained and hoped that children could become a priority in the State party.

The delegation thanked the Committee and acknowledged that further work on the legislation and the implementation of the rights of the child still needed to be done. It then stated that cooperation with the United Nations was of fundamental importance for the State.